

Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

LRB Number 09-1669/1	Introduction Number AB-0411	
Description The prohibition against making, reproducing, or possessing a nude depiction of a person without the person's consent and the sex offender registry		
Fiscal Effect State: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <div style="margin-left: 20px;"> <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="margin-left: 20px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <input type="checkbox"/> Decrease Costs </div> </div>		
Local: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate <div style="margin-left: 20px;"> <div style="display: flex; justify-content: space-between;"> <div> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div> 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> </div> </div> </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div> Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div> Affected Ch. 20 Appropriations <div style="margin-top: 10px;"> 5.Types of Local Government Units Affected <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Cities </div> </div> </div> </div> </div>		
Agency/Prepared By	Authorized Signature	Date
DA/ Phil Werner (608) 267-2700	Tom Herman (608) 266-0239	9/4/2009

Fiscal Estimate Narratives

DA 9/4/2009

LRB Number	09-1669/1	Introduction Number	AB-0411	Estimate Type	Original
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Assumptions Used in Arriving at Fiscal Estimate

Should this bill be enacted, prosecutors believe that there will be a small fiscal impact, but were unable to quantify how significant it would be due to a lack of data.

Long-Range Fiscal Implications

If this bill would be enacted, prosecutors currently believe there will be a small long-term fiscal impact.

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Agency/Prepared By DOC/ Cathy Halpin (608) 240-5538	Authorized Signature Robert Margolies (608) 240-5056
Date 9/14/2009	

Fiscal Estimate Narratives

DOC 9/14/2009

LRB Number	09-1669/1	Introduction Number	AB-0411	Estimate Type	Original
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Assumptions Used in Arriving at Fiscal Estimate

Current law prohibits making a visual representation that depicts a person nude without the person's consent if the person has a reasonable expectation of privacy. Current law also prohibits reproducing or possessing these representations. The current penalty for this Class I felony [video-voyeurism] includes imprisonment up to 1.5 years, 3 years probation, and up to a \$10,000 fine.

This bill adds video-voyeurism to the list of crimes for which a court may require the offender to be registered on the Wisconsin Sex Offender Registry [SOR] if the court determines that the underlying conduct was sexually motivated and is in the best interest of public safety. This bill also provides that if the offender is under the age of 21 when he or she committed the video-voyeurism offense, the court may withdraw the registration requirement after the offenders' successful completion of the sentence, dispositional order, or commitment for the offense. If the registration requirement is withdrawn, and there is not any other offense requiring registration, the Department must delete the offender's information from the sex offender registry.

The Department can not estimate the number of video-voyeurs courts may require to be registered with SOR or those offenders under the age of 21 who will be removed from SOR at the completion of their sentence, dispositional order or commitment. It can be assumed that any increased registration workload could be absorbed by existing staff.

Long-Range Fiscal Implications

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Fiscal Estimate Narratives
DOJ 9/18/2009

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Assumptions Used in Arriving at Fiscal Estimate

The Department of Justice does not anticipate a fiscal impact due to the enactment of 2009 Assembly Bill 411.

Long-Range Fiscal Implications

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Fiscal Estimate Narratives

SPD 9/3/2009

LRB Number	09-1669/1	Introduction Number	AB-0411	Estimate Type	Original
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Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. The bill makes persons convicted of video voyeurism subject to sex offender registration, if the court finds that the offense was sexually motivated. Offenders under age 21 at the time of the offense could have their names removed from the registry upon successful completion of their sentences.

Although the bill should not affect the number of prosecutions for the offense of video voyeurism, it may indirectly result in additional criminal charges under section 301.45, Stats., for violation of requirements of the sex offender registry. Some of the offenders placed on the registry for convictions of video voyeurism are likely to be charged in the future with violating the registry requirements.

During the last three fiscal years, the SPD has appointed attorneys in approximately 17 cases annually in which one or more counts of video voyeurism were charged. Any one of the following three events in an individual case can avert this type of criminal charge: 1) the defendant is not convicted of the original charge of video voyeurism; 2) the court does not order the defendant to register as a sex offender; or 3) the defendant complies with the terms of the registry. Thus, although the SPD cannot predict a precise number of new cases, the SPD does not anticipate a large number of new charges for violations of the sex offender registry.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Thus, the counties may experience increased costs attributable to criminal charges for alleged violations of the requirements of the sex offender registry. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing in these cases. For the reasons stated in the preceding paragraph, the number of new cases is unlikely to be large.

Long-Range Fiscal Implications